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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APPROXIMATELY 24 FIREARMS
FROM VARIOUS MANUFACTURERS,
MAKES, MODELS AND ASSORTED
CALIBERS, and APPROXIMATELY
3,138 ROUNDS OF ASSORTED
AMMUNITION,

Defendants.

Verified Complaint for Forfeiture
In Rem

Plaintiff, United States of America, by its attorneys, Joseph H. Harrington,
United States Attorney for the Eastern District of Washington, and Brian M. Donovan,
Assistant United States Attorney, brings this Verified Complaint and alleges the
following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil
Procedure.

I. NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the
United States of America multiple firearms and ammunition seized by the Bureau of

1 Alcohol, Tobacco, Firearms and Explosives (ATF), pursuant to 18 U.S.C. § 924(d) for
2 violations of 18 U.S.C. § 922(g)(3) drug user in possession of firearms and
3 ammunition.

4
5 II. THE DEFENDANT(S) *IN REM*

6 2. The Defendant property consists of firearms and ammunition seized
7 pursuant to a federal search warrant on or about December 13, 2017, further described
8 in Attachment A, attached hereto and incorporated herein by reference (hereinafter
9 “Defendant property”.)

10
11 III. JURISDICTION AND VENUE

12
13 3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn
14 the Defendant property. This Court has jurisdiction over an action commenced by the
15 United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28
16 U.S.C. § 1355(a).

17
18 4. This Court has *in rem* jurisdiction over the Defendant property under 28
19 U.S.C. § 1355(b). Upon the filing of this Complaint, the Plaintiff requests that the
20 Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the
21 Plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and
22 Supplemental Rule G(3)(c).

23
24
25 5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1),
26 because the acts or omissions giving rise to the forfeiture occurred in this district.
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28

IV. BASIS FOR FORFEITURE

6. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 5 above.

7. 18 U.S.C. § 922(g)(3) makes it unlawful for any person who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)) to possess in or affecting commerce, any firearm or ammunition or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

8. The Defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d)(1) because it constitutes firearms and ammunition involved in or used in a knowing violation(s) of 18 U.S.C. § 922(g)(3), *i.e.* a person who is an unlawful user of controlled substance(s) in possession of firearms and ammunition.

V. FACTS

9. In the fall of 2016, the United States Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) were conducting independent investigations into controlled substance violations which overlapped in October 2016.

10. Based upon information discovered during the investigation, agents determined that one of the targets of the investigation, Manuel Augustine ERICKSON lived at 1508 East Wabash Avenue, in Spokane, Washington, with Richard

1 JOHNSON. The investigation also revealed that another target of the investigation,
2 Brandon ROSE, had delivered methamphetamine to both ERICKSON and JOHNSON
3 at the residence. In addition, there was evidence that the residence had been used to
4 store methamphetamine and firearms. Both ERICKSON and ROSE are felons who are
5 not permitted access to firearms.
6

7 11. On December 13, 2017 the Bureau of Alcohol, Tobacco, Firearms &
8 Explosives (ATF), the United States Drug Enforcement Administration (DEA) and the
9 Spokane Police Department (SPD), executed a federal search warrant at Richard
10 JOHNSON's residence located at 1508 East Wabash Avenue, in Spokane,
11 Washington.
12

13 12. During the search, ATF agents seized 24 firearms and approximately
14 3,138 rounds of ammunition. DEA agents assisting with the search seized 49 gross
15 grams of suspected methamphetamine, a substance later determined by the DEA
16 laboratory to contain 17.418 grams of pure methamphetamine; and, 240 gross grams
17 of suspected marijuana. As the search commenced, JOHNSON was interviewed by an
18 ATF agent and admitted that he routinely used marijuana.
19

20 13. On December 22, 2017, ATF agents contacted JOHNSON at his
21 residence located at 1508 East Wabash Avenue. The agents conducted a consensual
22 conversation with JOHNSON in the agents' vehicle. The agents asked JOHNSON
23 about the methamphetamine found in his residence on December 13, 2017 and
24 informed JOHNSON that the agents were aware of telephone communications on
25
26
27
28

1 JOHNSON'S phone regarding methamphetamine. JOHNSON then alluded to using
2 methamphetamine.

3 14. On January 5, 2018, SA Helm contacted Clinton Olson at Precision
4 Combat Arms regarding the shotgun JOHNSON had previously ordered and not
5 picked up. Olson stated he was familiar with Richard JOHNSON and JOHNSON had
6 recently picked up a Smith and Wesson shotgun. SA Helm obtained a copy of the
7 ATF Form 4473 (a form required to be filled out by an individual obtaining a firearm
8 from a Federal Firearms Licensee) that JOHNSON filled out when obtaining the
9 shotgun. *See* Attachment B, ATF Form 4473. The ATF Form 4473 form completed by
10 JOHNSON bears his identifying information and address of 1508 East Wabash
11 Avenue, Spokane, WA. This is the same address where ATF and DEA executed a
12 search warrant on December 13, 2017. SA Helm learned that JOHNSON purchased
13 the aforementioned Smith and Wesson shotgun on December 20, 2017. In addition to
14 the shotgun, the ATF Form 4473 completed by JOHNSON indicated he purchased a
15 Ruger pistol that same day.

16 15. ATF Form 4473 includes question 11(c), which asks the affiant, "Are
17 you an unlawful user of, or addicted to, marijuana or any depressant, stimulant,
18 narcotic drug, or any other controlled substance? **Warning: The use or possession of**
19 **marijuana remains unlawful under Federal law regardless of whether it has been**
20 **legalized or decriminalized for medicinal or recreational purposes in the state**
21 **where you reside."** *See* Attachment B, ATF Form 4473 (emphasis in original).
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23
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1 Further, by signing ATF Form 4473, the affiant certifies that all answers are “true,
2 correct, and complete” and that the affiant understands that a “yes” answer to question
3 11(c) prohibits the affiant from purchasing a firearm. *Id.* In this same section of the
4 form, the individual purchasing the firearm is also acknowledging that he or she
5 understands that making any false oral or written statement or exhibiting any false or
6 misrepresented identification with respect to the transaction is a crime punishable as a
7 felony. *Id.*
8
9

10 16. On the ATF Form 4473 completed and signed by JOHNSON, he
11 answered “no” to question 11(c). *See* Attachment B, ATF Form 4473. Moreover,
12 JOHNSON signed the form certifying all his answers were true, correct and complete.
13 *Id.* (see attached ATF Form 4473 for complete details).
14

15 17. During the interview of JOHNSON on December 13, 2017, SA Helm
16 specifically explained to Johnson that he was prohibited from possessing firearms
17 because of his drug use. SA Helm also explained the meaning of question 11(c) on the
18 ATF Form 4473 to JOHNSON. Despite SA Helm's effort to inform JOHNSON on
19 December 13, 2017 that he was prohibited from possessing firearms, JOHNSON
20 purchased the shotgun and pistol one week later on December 20, 2017. Therefore,
21 JOHNSON violated federal law by answering "no" to question 11(c) on the ATF
22 Form 4473 in violation of 18 U.S.C. § 922(a)(6).
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1 18. The Defendant property, located in the Eastern District of Washington,
2 consists of property that had been shipped and transported in interstate and foreign
3 commerce.

4
5 19. Based on the two interviews ATF agents conducted with JOHNSON, on
6 December 13 and December 22, 2017, where he admitted using marijuana regularly
7 and using methamphetamine occasionally, in combination with the marijuana and
8 methamphetamine found at his residence during the execution of the search warrant,
9 JOHNSON is prohibited from possessing firearms under Title 18 U.S.C. § 922(g)(3).
10 Therefore, the Defendant property is forfeitable by operation of 18 U.S.C. § 924(d)
11 and 18 U.S.C. § 922(g)(3).
12
13

14 VI. CONCLUSION

15 WHEREFORE, the Plaintiff requests that the Court issue a warrant of arrest *in*
16 *rem* for the arrest and seizure of the Defendant property described herein; that notice
17 of this action be given to all persons who reasonably appear to be potential claimants
18 of interests in the property; that the Defendant property be forfeited and condemned to
19 the United States of America; that the Plaintiff be awarded its costs and disbursements
20 in this action; and for such other and further relief as this Court deems proper and just.
21
22

23 DATED this 9th day of May 2018.

24 Joseph H. Harrington
25 United States Attorney

26 s/Brian M. Donovan
27 Brian M. Donovan
28 Assistant United States Attorney

VERIFICATION

I, Wendy Helm, hereby verify and declare under penalty of perjury that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, in Spokane, Washington, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

I hereby verify and declare under penalty of perjury that the foregoing information is true and correct.

DATED this 8th day of May 2018.



Wendy Helm, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Asset List

18-ATF-005913 RUGER P95 PISTOL CAL:9 SN:318-46243
 18-ATF-005914 VYATSKIE POLYANY MACHINE BUILDING PLANT - "MOLOT" VEPR SHOTGUN
 18-ATF-005924 COLT MUSTANG POCKETLITE PISTOL CAL:380 SN:PL43680
 18-ATF-005925 TAURUS INTERNATIONAL PT738 TCP PISTOL CAL:380 SN:ID131775
 18-ATF-005926 SMITH & WESSON 1000M Shotgun CAL:12 SN:FB45501
 18-ATF-005927 A A ARMS INC. AP9 PISTOL CAL:9 SN:056700
 18-ATF-005928 REMINGTON ARMS COMPANY, INC. UNKNOWN SHOTGUN CAL:UNKNOWN SN
 18-ATF-005930 PHOENIX ARMS CO. HP25A PISTOL CAL:25 SN:4506715
 18-ATF-005931 JENNINGS FIREARMS J22 PISTOL CAL:22 SN:368228
 18-ATF-005932 SAVAGE 101 REVOLVER CAL:22 SN:5091
 18-ATF-005934 39 Rounds ASSORTED Ammunition CAL:MULTI
 18-ATF-005935 MAVERICK ARMS (EAGLE PASS, TX) 88 Shotgun CAL:12 SN:MV011212
 18-ATF-005936 26 Rounds ASSORTED Ammunition CAL:MULTI
 18-ATF-005937 300 Rounds REMINGTON Ammunition CAL:380
 18-ATF-005938 DEL-TON INC DTI-15 RIFLE CAL:556 SN:DTI-S131054
 18-ATF-005939 7 Rounds ASSORTED Ammunition CAL:32/380
 18-ATF-005940 6 Rounds SPEER Ammunition CAL:multi
 18-ATF-005941 10 Rounds Assorted Ammunition CAL:multi
 18-ATF-005946 ZASTAVA M70 RIFLE CAL:762 SN:N-PAP050061
 18-ATF-005949 9 Rounds Assorted Ammunition CAL:12
 18-ATF-005955 9 Rounds ASSORTED Ammunition CAL:12
 18-ATF-005956 918 Rounds ASSORTED Ammunition CAL:multi
 18-ATF-005957 95 Rounds Assorted Ammunition CAL:multi
 18-ATF-005958 MOSSBERG 500 Shotgun CAL:12 SN:T856913
 18-ATF-005959 DIAMONDBACK ARMS INC. DB-10 Rifle CAL:unknown SN:DB-40000594
 18-ATF-005960 Kahr ARMS - AUTO ORDINANCE P40 PISTOL CAL:40 SN:WA2603
 18-ATF-005961 SMITH & WESSON 442 AIRWEIGHT REVOLVER CAL:38 SN:CJY8197
 18-ATF-005962 400 Rounds ASSORTED Ammunition CAL:308
 18-ATF-005963 ISRAEL WEAPON IND- IWI (ISRAEL MILITARY IND-IMI) DESERT EAGL
 18-ATF-005964 RUGER GP100 REVOLVER CAL:357 SN:170-11194
 18-ATF-005965 KIMBER CUSTOM II PISTOL CAL:45 SN:K475616
 18-ATF-005966 HS PRODUCTS (IM METAL) XD40 SUB-CMPCT MOD 2 PISTOL CAL:40 SN
 18-ATF-005967 TAURUS 608 REVOLVER CAL:357 SN:K0194242
 18-ATF-005968 62 Rounds ASSORTED Ammunition CAL:multi
 18-ATF-005969 15 Rounds WINCHESTER-WESTERN Ammunition CAL:9
 18-ATF-005970 580 Rounds ASSORTED Ammunition CAL:762
 18-ATF-005971 7 Rounds CBC - BRAZILIAN CARTRIDGE COMPANY Ammunition CAL:45
 18-ATF-005972 305 Rounds ASSORTED Ammunition CAL:multi
 18-ATF-005973 8 Rounds WINCHESTER-WESTERN Ammunition CAL:38
 18-ATF-005975 280 Rounds ASSORTED Ammunition CAL:223
 18-ATF-005976 6 Rounds unknown Ammunition CAL:357
 18-ATF-005977 243 Rounds ASSORTED Ammunition CAL:40
 18-ATF-005978 5 Rounds UNKNOWN Ammunition CAL:40
 18-ATF-005979 50 Rounds ASSORTED Ammunition CAL:12
 18-ATF-005981 290 Rounds ASSORTED Ammunition CAL:9
 18-ATF-005982 12 Rounds ASSORTED Ammunition CAL:40
 18-ATF-005983 14 Rounds SIG SAUER (SIG) Ammunition CAL:10
 18-ATF-005984 270 Rounds assorted Ammunition CAL:556
 18-ATF-005985 5 Rounds FEDERAL Ammunition CAL:50
 18-ATF-005991 93 Rounds ASSORTED Ammunition CAL:12

18-ATF-005593	5 Rounds WINCHESTER-WESTERN Ammunition CAL:38
18-ATF-005995	220 Rounds Assorted Ammunition CAL:Multi 668
18-ATF-005998	Rounds ASSORTED Ammunition CAL:multi

12-20

OMB No. 1140-0020

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Transaction Record

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's
Transaction Serial
Number (If any)

3574

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".) Last Name (Including suffix (e.g., Jr, Sr, II, III))		First Name		Middle Name	
Johnson		Richard		William	
2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.) Number and Street Address		City		County	State ZIP Code
1508 E Wabash Ave		Spokane		WA Spokane	WA 99207
3. Place of Birth U.S. City and State	-OR- Foreign Country	4. Height Pt. 5 In. 10	5. Weight (Lbs.) 155	6. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	7. Birth Date Month 12 Day 03 Year 1986
San Diego CA					
8. Social Security Number (Optional, but will help prevent misidentification) 605 54 2533			9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)		
10.a. Ethnicity <input type="checkbox"/> Hispanic or Latino <input checked="" type="checkbox"/> Not Hispanic or Latino		10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander			
11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.					Yes No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)					<input checked="" type="checkbox"/> <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
d. Are you a fugitive from justice? (See Instructions for Question 11.d.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.					<input type="checkbox"/> <input checked="" type="checkbox"/>
f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?					<input type="checkbox"/> <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) <input checked="" type="checkbox"/> United States of America (U.S.A.) <input type="checkbox"/> Other Country/Countries (Specify):					Yes No
12.b. Have you ever renounced your United States citizenship?					<input type="checkbox"/> <input checked="" type="checkbox"/>
12.c. Are you an alien illegally or unlawfully in the United States?					<input type="checkbox"/> <input checked="" type="checkbox"/>
12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)					<input type="checkbox"/> <input checked="" type="checkbox"/>
12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions? <input type="checkbox"/> N/A					<input type="checkbox"/> <input checked="" type="checkbox"/>
13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):					

I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.i and/or 12.b. through 12.e. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature

15. Certification Date

12/20/17

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☒ Long Gun ☐ Other Firearm (frame, receiver, etc.)
(rifles or shotguns) See Instructions for Question 16.)

17. If transfer is at a qualifying gun show or event:

Name of Function:

City, State:

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

WADL

JOHNSRW146RC

Month 12

Day 3

Year 2019

18.b. Supplemental Government Issued Documentation (if identification document does not show current residence address) (See Instructions for Question 18.b.)

18.c. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered "YES" to 12.d.2. the transferor/seller must record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473. (See Instructions for Question 18.c.)

Questions 19, 20, or 21 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 19, 20 and 21.)

19.a. Date the transferee's/buyer's identifying information in Section A was transmitted to NICS or the appropriate State agency:

Month 12 Day 20 Year 2017

19.b. The NICS or State transaction number (if provided) was:

1006MS6WD

19.c. The response initially (first) provided by NICS or the appropriate State agency was:

☒ Proceed ☐ Delayed
☐ Denied (The firearm(s) may be transferred on _____ if State law permits (optional))
☐ Cancelled

19.d. The following response(s) was/were later received from NICS or the appropriate State agency:

☐ Proceed _____ (date) ☐ Overturned
☐ Denied _____ (date)
☐ Cancelled _____ (date)
☐ No response was provided within 3 business days.

19.e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: _____ (date). ☐ Proceed ☐ Denied ☐ Cancelled

19.f. The name and Brady identification number of the NICS examiner. (Optional)

(name)

(number)

19.g. Name of FFL Employee Completing NICS check. (Optional)

20. ☐ No NICS check was required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application. (See Instructions for Question 20.)21. ☐ No NICS check was required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS. (See Instructions for Question 21.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

Section C - Must Be Completed Personally By Transferee/Buyer

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section A, the transferee/buyer must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 22 and 23.)

I certify that my answers to the questions in Section A of this form are still true, correct, and complete.

22. Transferee's/Buyer's Signature

23. Recertification Date

Transferor/Seller Continue to Next Page
STAPLE IF PAGES BECOME SEPARATED

Section D - Must Be Completed By Transferor /Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1. SWARTZ & NESSON	MDL 1000	FC 33730	SHOTGUN	12 GAUGE
2. RUGER	LCP	371-862250	PISUL	.380ACP
3.				
4.				

REMINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

29. Total Number of Firearms Transferred (Please <i>handwrite</i> by printing e.g., zero, one, two, three, etc. Do not use numerals.)	30. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/> Line Number(s) From Question 24 Above:
31. For Use by Licensee (See Instructions for Question 31.)	32. Check if this transaction is to facilitate a private party transfer. <input type="checkbox"/> (See Instructions for Question 32.)

33. Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)

PRECISION COMBAT ARMS
1710 E. TRENT UNIT 1
SPOKANE, WA 99202
509-535-0655
9-91-03967

The Person Transferring The Firearm(s) Must Complete Questions 34-37.

For Denied/Cancelled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of — (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C was completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

34. Transferor's/Seller's Name (Please print)	35. Transferor's/Seller's Signature	36. Transferor's/Seller's Title	37. Date Transferred
ALANSON OLSON		OWNER	12-20-17

NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and the regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published ordinances in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.5, *State Laws and Published Ordinances*.)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a non-licensee who does not appear in person at the licensee's business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(h), and ATF Procedure 2013-2.

After the transferor/seller has completed the firearms transaction, he/she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his/her permanent records. Such Forms 4473 must be retained for at least 20 years and after that period may be submitted to ATF. Filing may be chronological (by date of disposition), alphabetical (by name of purchaser), or numerical (by transaction serial number), as long as all of the transferor's/seller's completed Forms 4473 are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:

If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America,

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Brian M. Donovan, AUSA, U.S. Attorney's Office, P.O. Box 1494,
Spokane, WA 99210-1494 (509)835-2767

DEFENDANTSApproximately 24 Firearms from various manufacturers, makes,
models and assorted calibers and approximately 3,138 rounds of
assorted ammunition,

County of Residence of First Listed Defendant Spokane
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. § 924(d)(1)

Brief description of cause:

civil forfeiture of firearms and ammunition for possession by a prohibited person

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

05/09/2018

SIGNATURE OF ATTORNEY OF RECORD

s/Brian M. Donovan, Assistant United States Attorney

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____